



Case No. 2018-00932-FOIA-OS

December 3, 2019

Alexander Howard
Sunlight Foundation
MuckRock News, DEPT MR 32442
411A Highland Ave.
Somerville, MA 02144-2516
Via email: 32442-01209148@requests.muckrock.com

Dear Alexander Howard:

This office is presently conducting a review of our pending Freedom of Information Act (FOIA) requests to ascertain if the information subject to the request is still desired. Your February 22, 2017, FOIA request is a part of this review (copy enclosed).

We apologize for the delay in responding to your request. However, because of the increasing number of requests received by the Department of Health and Human Services (HHS), we found it necessary to adopt the ruling in the case of *Open America v. Watergate Special Prosecution Force*, 547 F.2d 605 (D.C. Cir. 1976) and exercise due diligence by following a first-in, first-out FOIA processing.

If you remain interested in the requested information, clarification is needed. Specifically, you requested the following:

“... all communications, including email and print media, from the Presidential Transition Team and Trump White House to the agency regarding limiting public communication, including news releases, photos, fact sheets, news feeds and social media, or scientific research by agency staff and scientists.”

The FOIA allows the public to request access to "reasonably described" existing agency records (subject to any applicable FOIA exemptions to disclosure). This means you must describe the category of records you are seeking or the actual document(s), and provide sufficient details to permit a search with reasonable effort, utilizing existing indices and search tools.

In accordance with [Title 45 Code of Federal Regulations Subtitle A, Subpart B – How to Request Records under FOIA](#), HHS outlined what must be contained in FOIA requests to allow staff to locate requested records with a reasonable amount of effort. As set out in [HHS FOIA Regulations](#),

“..... a written description of the records you seek in sufficient detail to enable our staff to locate them with a reasonable amount of effort. The more information you provide, the better possibility we have of finding the records you are seeking. Information that will

help us find the records would include:

- (1) The agencies, offices, or individuals involved;
- (2) The approximate date(s) when the records were created;
- (3) The subject, title, or description of the records sought; and
- (4) Author, recipient, case number, file designation, or other reference number, if available.”

Unfortunately, you have not described the records with enough specificity to allow us to continue with the processing of your request. Specifically, you did not provide the agencies, offices or individuals involved or a date range for the records search.

The Office of the Chief Information Officer reports due to technology constraints, HHS cannot run a blind search against all users in HHS or an operating/staff division. Electronic searches run against our live email system and a search against all HHS employees would crash our system.

If we get the agencies, offices or individuals involved, and a date range for the records search, we can run the search. If all the parameters (timeframes, key words, etc.) are the same, we can run the search against multiple custodians simultaneously.

If you are still interested in pursuing this request, please provide a response via e-mail to FOIARequest@hhs.gov, or postal mail to Department of Health and Human Services FOIA Office, Suite 729H, 200 Independence Avenue, SW, Washington, DC 20201, or fax transmission on (202) 690-8320. If we have not received any communication from you within 30 working days from the date of this letter, we will assume you are no longer interested in continuing to pursue the request and it will be administratively closed.

Sincerely yours,

Natasha R. [Signature]
FOR

Brandon J. Gaylord
Supervisory Government Information Specialist
and HHS FOIA/PA Public Liaison